

Message Text

CONFIDENTIAL

PAGE 01 STATE 096484

70

ORIGIN DLOS-02

INFO OCT-01 EA-01 ISO-00 /004 R

66011

DRAFTED BY D/LOS:PLSMITH:AFR

APPROVED BY D/LOS:ALAN G.JAMES

----- 040103

P 211604Z APR 76

FM SECSTATE WASHDC

TO AMEMBASSY KUALA LUMPUR PRIORITY

C O N F I D E N T I A L STATE 096484

FOL REPEAT USUN 1643 ACTION SECSTATE INFO MANILA JAKARTA
NASSAU 19 APR.

QUOTE

C O N F I D E N T I A L USUN 1643

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: DISCUSSIONS WITH THE PHILIPPINES ON ARCHIPELAGOS

SUMMARY: ON APRIL 13 U.S. DELEGATION HEADED BY AMBASSADOR
LEARSON MET WITH REPS OF PHILIPPINE DELEGATION HEADED BY
SENATOR TULENTINO, AND INCLUDING AMBASSADOR YANGO. DISCUSSION
REVEALED NO CURRENT CHANGE IN PHILIPPINE POSITION EXCEPT
POSSIBLE DECISION TO CHALLENGE PROCEDURAL METHOD EMPLOYED IN
COMMITTEE II. TONE CORDIAL AND FRIENDLY. END SUMMARY.

1. TOLENTINO AS SPOKESMAN ACKNOWLEDGED THAT RECOGNITION OF
PHILIPPINE ARCHIPELAGO IN LOS TREATY WAS DESIRABLE BUT THAT
PASSAGE REGIME SOUGHT BY U.S. COULD NOT BE CONDITION PRECEDENT
TO ACCEPTANCE OF CONCEPT. PHILIPPINES WANTED RECOGNITION OF
SOVEREIGNTY OF ARCHIPELAGIC STATE WITHIN BASELINES AND BELIEVES
THAT PASSAGE REGIME WITHIN ARCHIPELAGO CANNOT BE MORE LIBERAL
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 096484

THAN PASSAGE REGIME IN TERRITORIAL SEA (PRESUMABLY, SUSPENDABLE

INNOCENT PASSAGE). PHILIPPINES WAS WILLING TO WAIT UNTIL THE PASSAGE REGIME IN STRAITS AND TERRITORIAL SEA WAS SETTLED BEFORE SERIOUSLY RECONSIDERING ITS PRESENT POSITION. J.S. REP (OXMAN) SAID UMS. HAD NO INDEPENDENT INTEREST IN INCLUSION OF ARCHIPELAGO CHAPTER IN LOS TREATY, BUT WISHED TO ACCOMMODATE INTERESTS OF OUR FRIENDS, WE POINTED OUT ADVANTAGES TO PHILIPPINES, INCLUDING RECOGNITION OF ITS POLITICAL UNITY AS A SINGLE ENTITY AND ABILITY OF ARCHIPELAGIC STATE-UNLIKE STRAITS STATE WITH ISLAND-TO LIMIT LIBERAL PASSAGE REGIME TO DESIGNATED LANES. TOLENTINO ACKNOWLEDGED THAT PHILIPPINES MAY BE ISOLATED ON QUESTION OF APASSAGE IN ARCHIPELAGO, CITING WARSHIPS, NUCLEAR SHIPS AND TANKERS AS PROBLEMS. HOWEVER, THEY WERE PREPARED TO QUOTE GO IT ALONE UNQUOTE. HE ALLUDED TO PROVISIONS IN PHILIPPINE CONSTITUTION WHICH DEFINED SIZE OF ARCHIPELAGO WITH REGIME OF INTERNAL WATERS THEREIN (I.E., NO INNOCENT PASSAGE, NOT TO MENTION THE MORE LIBERAL ARCHIPELAGIC PASSAGE).

2. TOLENTINO COMPLAINED ABOUT DIFFICULTY OF MAKING AMENDMENTS TO ARCHIPELAGO CHAPTER UNDER PROCEDURAL RULE IN COMMITTEE IF THAT SILENCE MEANS NON-SUPPORT FOR AMENDMENTS. HOWEVER, HE MADE IT CLEAR THAT PHILIPPINES WILL PROPOSE AMENDMENTS TO SEE WHAT CHAIRMAN WILL DO AND WILL MAKE FORMAL AMENDMENTS LATER IF THEIR VIEWS ARE NOT REFLECTED IN REVISION OF SECOND COMMITTEE TEXT. HE INDICATED THAT PHILIPPINES WOULD APPRECIATE IT IF U.S. WOULD NOT ATTACK PHILIPPINE AMENDMENTS AND SIMPLY ADHERE TO RULE OF SILENCE.

3. YANGO ASKED IF U.S. BELIEVED THAT THE SECOND COMMITTEE TEXT WOULD GENERALLY STAND AS IS, E.G., ON STRAITS. U.S. RESPONDED IN AFFIRMATIVE, BUT HINTED THAT ARCHIPELAGO CHAPTER MIGHT NOT REMAIN IF IT DID NOT ACCOMMODATE THE INTERESTS OF THOSE CONCERNED. YANGO MADE IT CLEAR THAT THE PHILIPPINES DID NOT SHARE THE U.S. OPINION THAT THE COMMITTEE II TEXT WAS LARGELY SETTLED. IN RESPONSE TO QUESTION FROM AMBASSADOR LEARSON, TOLENTINO CONFIRMED THAT PHILIPPINES WOULD WAIT TO SEE WHAT HAPPENED ON INNOCENT PASSAGE IN TERRITORIAL SEA AND

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 096484

UNIMPEDED TRANSIT OF STRAITS REGIMES BEFORE PHILIPPINES WOULD UNDERTAKE ANY QUOTE SOUL-SEARCHING ASSESSMENT UNQUOTE. TOLENTINO REMARKED THAT THE PHILIPPINES DID NOT EXPECT TO MAKE ANY CONCESSIONS THIS SESSION BUT PERHAPS LATER COULD QUOTE BEND A LITTLE, HOPEFULLY TO REACH A MUTUAL ACCOMMODATION UNQUOTE.

4. WHEN ASKED WHY PHILIPPINES WAS OPPOSING US UN STRAITS,

TOLENTINO SAID THAT IF THERE WERE NO ARCHIPELAGO CHAPTER,
STRAITS REGIME WOULD ARGUABLE APPLY TO PHILIPPINES.
HE AGREED THAT GOP WOULD HAVE NO DIFFICULTY WITH FREE
TRANSIT OF STRAITS IF PHILIPPINES WERE COVERED BY
ARCHIPELAGO PROVISIONS. SCRANTON

UNQUOTE KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, POLICIES, DIPLOMATIC DISCUSSIONS, MEETING DELEGATIONS, ARCHIPELAGOS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 21 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE096484
Document Source: CORE
Document Unique ID: 00
Drafter: PLSMITH:AFR
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: P760065-1160
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760438/aaaabfsc.tel
Line Count: 122
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAY 2004 by ShawDG>; APPROVED <15 SEP 2004 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: DISCUSSIONS WITH THE PHILIPPINES ON ARCHIPELAGOS
TAGS: PLOS, ACOM, US, RP, (LEARSON), (TULENTINO), (YANGO)
To: KUALA LUMPUR
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006